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THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY

Final report of the Special Rapporteur, Mr. Leandro Despouy, appointed pursuant to Economic and Social Council resolution 1985/37

Addendum

Tenth annual list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency

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Introduction

1. By drawing up this list of States which have proclaimed, extended or terminated a state of emergency, the Special Rapporteur has endeavoured, within the limits of the information available to him, to give the Sub-Commission and the Commission as complete a picture as possible of the world situation regarding states of emergency since 1 January 1985. The present composite list contains a summary of information which had already been included in his nine previous reports as well as new information received from Governments, United Nations bodies and other intergovernmental organizations, communicated by non-governmental organizations in consultative status with the Economic and Social Council and published in the press since December 1996.

2. The purpose of this recapitulation is to give an overall view of the world situation regarding states of emergency and at the same time to improve the list prepared by the Special Rapporteur. To that end, it is essential to benefit once more from the cooperation of the Governments concerned, the non-governmental organizations and all those in a position to supply reliable information capable of correcting errors or remedying gaps which may exist in that list.

3. The Special Rapporteur periodically solicits information from all Governments, competent United Nations organs, specialized agencies and other intergovernmental and non-governmental organizations concerned. A list of replies and other communications received is contained in the annex.

4. Whenever the Special Rapporteur has learned, generally through the international press, of the adoption by a Government of emergency measures involving prima facie restriction of the exercise of human rights (partial suspension of the Constitution, curfew, etc.) he has immediately requested from that Government, through the Secretary-General, specific and detailed information on the nature of the measures in force, the legal basis for them and, above all, the effect they are having or have had on human rights in general.

5. In drawing up this list, the Special Rapporteur also took into account those countries which have and apply ordinary legislation empowering the executive to adopt emergency measures (such as administrative or ministerial detention for long periods) without the need for official proclamation of a state of emergency in order to do so.

6. According to the information available to the Special Rapporteur, in the following 100 States and territories, since 1 January 1985, measures have been taken which constituted the proclamation, extension, maintenance or termination of emergency regimes in various forms:

I. COUNTRIES OR TERRITORIES IN WHICH EMERGENCY REGIMES ARE AT PRESENT IN FORCE

Afghanistan: State of emergency proclaimed on 19 February 1989. Lifted on 28 May 1990.

Sources: Interim reports on the situation of human rights in Afghanistan, prepared by Mr. F. Ermacora, Special Rapporteur of the Commission on Human Rights (A/44/669, para. 20 (e), and A/45/664, para. 36).

A de facto situation of emergency exists throughout the country, which is in a state of civil war.

Source: Final report on the situation of human rights in Afghanistan submitted by Mr. Choong-Hyun Paik, Special Rapporteur of the Commission on Human Rights (E/CN.4/1997/59, paras. 21 and 114).

Albania: State of emergency proclaimed on 2 March 1997.

Source: Information published in the press.

Algeria: State of siege proclaimed on 6 October 1988. Terminated on 12 October 1988.

State of siege decreed on 4 June 1991 for a period of four months. Terminated on 29 September 1991.

Sources: Letter from the Government dated 28 April 1989; Notifications of the Government to the United Nations Secretary-General dated 19 June and 3 October 1991.

State of emergency proclaimed on 9 February 1992 for a duration of 12 months. Indefinite overnight curfew decreed on 2 December 1992.

On 7 February 1993, the state of emergency was extended indefinitely.

Sources: Notification of the Government to the United Nations Secretary-General dated 13 February 1992; information published in the press and received from non-governmental organizations.

Azerbaijan: State of emergency imposed in the Nagorny Karabakh autonomous region and Agdam district of the Azerbaijan SSR as of 21 September 1988. On 15 January 1990, a state of emergency was introduced in the territory of the Nagorny Karabakh autonomous region, the regions of the Azerbaijan SSR adjacent thereto, and the border zone along the State frontier with the Soviet Union in the territory of the Azerbaijan SSR.

On 20 January 1990, a state of emergency was declared in the city of Baku. Lifted in August 1991.

In June 1990, a state of emergency was introduced in the Azerbaijan SSR along its border with the Armenian SSR.

Sources: Notifications of the Government of the Soviet Union to the United Nations Secretary-General dated 13 October 1988, 15 and 29 January 1990; information published in the press.

On 14 May 1992, a state of emergency was decreed for a period of two months and a curfew introduced in the city of Baku.

In March 1993, a state of emergency was declared in three districts of the Republic for a period of one month.

On 3 April 1993, a state of emergency was introduced in the whole territory of the Republic for a period of 60 days.

On 9 April 1993, a curfew was imposed in Baku and several other cities and districts.

On 2 August 1993, the state of emergency was extended for another 60 days.

On 22 September 1993, the state of emergency was lifted throughout the country.

Sources: Notifications of the Government to the United Nations Secretary-General dated 16 April and 13 August 1993; communication of the Government to the secretariat of the Conference on Security and Cooperation in Europe dated 11 August 1993; report of the Azerbaijan to the Human Rights Committee (CCPR/C/81/Add.2, paras. 22-24); information published in the press.

On 4 October 1994, a state of emergency was introduced in the city of Baku for a period of 60 days. Subsequently extended (most recently from 3 April 1995 for another 60 days).

On 11 October 1994, a state of emergency was introduced in the town of Guyandja. On 11 December 1994, the state of emergency was extended for another 60 days. Terminated on 11 April 1995.

Sources: Notifications of the Government to the Secretary-General of the United Nations dated 5 and 21 October, 13 and 17 December 1994 and 8 and 17 April 1995.

Bosnia and Herzegovina: Admitted to the United Nations on 22 May 1992, this new State found itself in a de facto state of emergency at the moment of its transition to independence.

Sources: Periodic reports on the situation of human rights in the territory of the former Yugoslavia submitted by the Special Rapporteurs of the Commission on Human Rights,

Mr. T. Mazowiecki (latest: E/CN.4/1995/57, paras. 5-50; E/CN.4/1996/6, paras. 65-121) and Ms. E. Rehn (latest: E/CN.4/1997/56, paras. 6-63); numerous resolutions of the Security Council and General Assembly; information published in the press.

Brunei Darussalam: State of emergency proclaimed on 12 December 1962. Still in force.

Sources: Letters from the Government, the latest dated 4 April 1991.

Burundi: State of emergency proclaimed and a curfew imposed on 21 October 1993. The curfew was lifted on 26 October 1993.

Sources: Report of the Representative of the Secretary-General, Mr. F.M. Deng, on internally displaced persons (E/CN.4/1995/50/Add.2, para. 31); information published in the press.

Situation of civil war with violence and unrest prevailing throughout the country. Curfew imposed.

Sources: Second report on the human rights situation in Burundi submitted by Mr. Paulo Sérgio Pinheiro, Special Rapporteur of the Commission on Human Rights (E/CN.4/1997/12 paras. 10-12).

Colombia: State of siege proclaimed on 1 May 1984. Lifted on 7 July 1991.

State of internal disturbance was decreed from 10 to 16 July 1992 and from 8 November 1992 to 6 February 1993. On 5 February 1993, additional measures relating to the state of internal disturbance were decreed and it was extended until 7 May 1993.

State of internal disturbance was again decreed from 1 to 10 May 1994 throughout the national territory. Subsequently extended for two months. State of internal disturbance decreed on 16 August 1995 for a period of 90 days. On 2 November 1995, the state of internal disturbance was again proclaimed in the whole national territory. On 29 January 1996, it was extended for a period of 90 days.

Sources: Notifications of the Government to the United Nations Secretary-General dated 7 May and 11 December 1984, 9 August 1991, 16 July and 10 November 1992, 5 March 1993, 6 and 27 May 1994 and 21 March 1996; letters from the Government, the latest dated 27 January and 27 April 1993, 4 September 1995 and 22 February 1996; statement made by the observer for

Colombia to the Sub-Commission at its forty-seventh session on 17 August 1995; information published in the press and received from non-governmental organizations.

Croatia: Admitted to the United Nations on 22 May 1992, this new State found itself in a de facto state of emergency at the moment of its transition to independence. The Special Rapporteur awaits more precise information to be submitted by the Government.

Sources: Periodic reports on the situation of human rights in the territory of the former Yugoslavia submitted by the Special Rapporteurs of the Commission on Human Rights, Mr. T. Mazowiecki (latest: E/CN.4/1995/57, paras. 51-79; E/CN.4/1996/6, paras. 6-64) and Ms. E. Rehn (latest: E/CN.4/1997/56, paras. 64-123); numerous resolutions of the Security Council; information published in the press.

Democratic Republic of the Congo: (former Zaire) State of emergency in force since September 1996. Curfew imposed in the capital on 13 May 1997.

Source: Information published in the press.

East Timor: On 9 September 1983, a state of emergency was formally proclaimed. Its termination has never been announced. Restriction on human rights reported from different sources which testify to the existence of a situation of de facto state of emergency.

Sources: Resolution 1997/63 of the Commission on Human Rights and the reports referred to it in paragraph 2 (a) of that resolution; information received from non-governmental organizations and published in the press.

Ecuador: Repeated proclamation of state of national emergency (14 to 17 March 1986, 28 to 30 October 1988, 31 May to 1 June 1988 and 27 September to 13 October 1989).

Sources: Letters from the Government (latest dated 12 January 1990); notifications of the Government to the United Nations Secretary-General dated 14 and 18 March 1986, 28 and 30 October 1987, 1 and 2 June 1988 and 2 August 1989.

State of emergency proclaimed on 7 February 1997.

Sources: Information published in the press.

Egypt: A state of emergency has been in force since 6 October 1981. It was extended for a three-year period from 1 May 1988 to 31 May 1991. Since then, it has been periodically extended. Still in force.

Sources: Letter from the Government dated 28 March 1991. Report of the Human Rights Committee (A/48/40, paras. 671, 690 and 704); information received from non-governmental organizations.

Georgia: On 18 July 1989, a "special regime of conduct for citizens" was introduced in the Abkhaz autonomous republic.

On 12 December 1990, a state of emergency was introduced and subsequently extended in Tskhinvali and Dzhavski district (South Ossetia). Terminated on 26 November 1991.

In September 1991, a state of emergency was introduced in Tbilisi, the capital city of Georgia.

In January 1992, a state of emergency was declared and a curfew introduced in Kutaisi and several districts of western Georgia.

On 6 July 1993, martial law was imposed in Abkhazia.

In September 1993, a state of emergency was introduced in the whole territory of the Republic for a period of two months and subsequently extended.

Sources: Information received from non-governmental organizations and published in the press; resolution 892 (1993) of the Security Council.

Iraq: The Special Rapporteur had earlier reported that emergency measures had been taken during the armed conflict of 1991 and afterwards, as well as in connection with the events that have taken place in the Kurdish provinces.

In a letter dated 4 March 1993, the Government of Iraq stated, inter alia, that:

"Despite the exceptional situation it has faced as a result of the aggression perpetrated against it by some 30 countries and in spite of the ensuing unrest, Iraq has neither proclaimed a state of emergency nor restricted the implementation of the articles of the Constitution or the laws, nor adopted measures which might undermine respect for human rights in general."

A de facto state of emergency exists at present in the north of the country.

Sources: Letters from the Government dated 23 June 1987 and 4 March 1993; note verbale dated 3 July 1991 from the Permanent Mission of Iraq to the Centre for Human Rights (reproduced in E/CN.4/Sub.2/1991/51); reports on the

situation of human rights in Iraq, submitted by Mr. Max van der Stoel, Special Rapporteur of the Commission on Human Rights (A/46/647, para. 60; E/CN.4/1992/31, paras. 22-39 and 151; E/CN.4/1994/58, para. 15; E/CN.4/1995/56, para. 17; E/CN.4/1996/61, para. 17; A/51/496, paras. 87-91; E/CN.4/1997/57, paras. 5, 7, 8 and 41).

Israel: State of emergency in force since May 1948.

Sources: Notification of the Government received by the Secretary-General on 3 October 1991; letter from the Government dated 28 May 1991.

Territories occupied by Israel: Emergency legislation in force.

Curfews imposed in the Gaza Strip and the West Bank since December 1992.

Sources: United Nations reports; information received from intergovernmental and non-governmental organizations and published in the press.

Kyrgyztan: From 7 June to 21 November 1990, a state of emergency was in force in the capital, Frunze (now renamed Bishkek). On 4 and 7 June 1990, a state of emergency was decreed and a curfew imposed in Osh town and in Osh region. Still in force. Partially lifted on 14 September 1991. In January 1993, a special regime of entry and exit was introduced in Osh region.

Sources: Information received from a non-governmental organization and published in the press.

Liberia: Suspension of constitutional guarantees since July 1990, including a curfew enforced in the capital. Intense internal armed conflict continues.

Sources: Information published in the press. Resolution 813 (1993) of Security Council.

Lebanon: Existence of a de facto state of emergency.

Sources: Concluding observations of the Human Rights Committee (CCPR/C/79/Add.78, paras. 10 and 11); Report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34, para. 225).

Mali: State of emergency declared on 22 March 1991.

Sources: Information published in the press.

Myanmar: State of emergency proclaimed at Prome on 22 July 1988 and in the Yangon region on 3 August 1988. Terminated on 24 August 1988.

Martial law introduced on 18 September 1988. By end of May 1990, it was lifted in 102 townships.

The curfew imposed on 10 October 1990 was lifted on 10 September 1992.

On 26 September 1992, two martial law orders dated 17 and 18 July 1989 were revoked.

In a letter dated 4 August 1994, the Government stated that "the state of emergency is no longer ... in force in Myanmar since 24 August 1988". It further indicated that "the State and Law Order Restoration Council Order No. 12/92 issued on 26 September 1992 revoked the executive and judicial powers conferred upon the three Military Commanders and at the same time abolished all the Military Tribunals".

The Special Rapporteur has noted that the Commission on Human Rights, in its resolution 1996/80 of 23 April 1996, gravely concerned at "the existence of important restrictions on the exercise of fundamental freedoms, including the freedom of expression and association", encouraged the Government of Myanmar "to continue to lift the remaining emergency measures" (para. 15).

Sources: Letters from the Government dated 29 May and 24 August 1987, 16 May and 17 August 1989, 26 January, 21 March, 7 May and 14 June 1990, 4 March 1991, 18 August, 28 September, 7 and 19 October 1992, 22 January 1993 and 4 August 1994; reports on the situation of human rights in Myanmar, prepared by the Special Rapporteurs of the Commission on Human Rights, Mr. Y. Yokota (E/CN.4/1993/37, para. 242 (d); E/CN.4/1995/65, paras. 8-9; E/CN.4/1996/65, para. 174) and Mr. R. Lallah (A/51/466, sects. III and IV; E/CN.4/1997/64, para. 2); information received from non-governmental organizations.

Nepal: A state of emergency is in force in the Rolpa region in western Nepal.

Source: Report of the Working Group on Arbitrary Detention (E/CN.4/1997/4/Add.2, para. 8).

Nigeria: State of emergency proclaimed on 31 December 1983.

In October 1991, an indefinite night-time curfew was imposed in the State of Kano.

On 18 November 1993, the Parliament was dissolved and certain constitutional guarantees suspended.

Sources: Resolution 1997/53 of the Commission on Human Rights; report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. B.W. N'diaye, and the Special Rapporteur on the independence of judges and lawyers, Mr. P. Cumaraswamy, on the situation of human rights in Nigeria (E/CN.4/1997/62/Add.1, paras. 49-52 and 70); report of the Human Rights Committee (A/51/40, paras. 270, 278-280, 295). Information received from a non-governmental organization and published in the press.

Peru: A state of emergency, which was declared for the first time in 1981, is currently in force in a considerable part of the territory; extension of states of emergency in certain provinces and departments and declaration of new states of emergency are periodically reported.

Sources: Notifications of the Government to the United Nations Secretary-General (latest dated 8 February 1995); letters from the Government addressed to the Centre for Human Rights (latest dated 18 August 1993).

On 5 April 1992, the President of the Republic dissolved the Parliament and suspended, temporarily and partially, the Constitution throughout the territory of Peru. This suspension of constitutional rule ended on 30 December 1992.

Sources: Report of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, Mr. B.W. Ndiaye, on his mission to Peru (E/CN.4/1994/7/Add.2, paras. 16, 21-24, 75, 86-88, 119-120); information published in the press and received from non-governmental organizations.

On 21 February 1997, a state of emergency was declared in 14 provinces of the country.

Source: Letter from the Government dated 28 February 1997.

Republic of Korea: According to the Special Rapporteur of the Commission on Human Rights on the right to freedom of opinion and expression, Mr. A. Hussain, the wording and implementation of the National Security Law of the Republic of Korea is incompatible with article 19 of the International Covenant on Civil and Political Rights (E/CN.4/1996/39/Add.1, para. 21). Thus, it represents a measure of an exceptional character.

Russian Federation:

On 19 April 1991, a state of emergency was introduced in Vladikavkaz (North Ossetia) for a period of one month and subsequently extended until 19 September, 19 December 1991, 19 April and 10 August 1992.

On 13 June 1991, a state of emergency was introduced in Makhachkala, the capital city of Dagestan, for a period of one month.

On 19 August 1991, a state of emergency was declared in some parts of the USSR for six months by the newly established State Committee for the Emergency Situations. On 22 August 1991, all decrees of this Committee were cancelled by the President of the USSR.

Sources: Statement made by the observer for the USSR at the forty-third session of the Sub-Commission, on 30 August 1991; information received from non-governmental organizations and published in the press.

From 11 to 28 September 1991, a state of emergency was in force in the Kazbek district of Dagestan.

Repeated introduction of states of emergency in the Chechen Republic. A curfew was imposed on 10 February 1992 in its capital, Grozny, for 30 days.

In May 1992, a state of emergency was introduced in Makhachkala and Kizilyourt cities of Dagestan.

Sources: Information published in the press.

On 10 June 1992, a state of emergency was introduced in several districts of the North Ossetia; curfew imposed in Vladikavkaz.

Sources: Letter from the Government dated 21 July 1992.

On 27 September 1992, a state of emergency was proclaimed in Nalchik, the capital city of Kabardino-Balkaria, for a period of two months; its actual introduction was, however, suspended.

On 2 November 1992, a state of emergency was introduced in the North Ossetia and in the Ingush Republic for a period of one month. Subsequently, the emergency regime in several districts and areas of Ingushetia and North Ossetia was repeatedly extended (last time: from 3 December 1994 to 31 January 1995).

State of emergency was decreed from 3 to 10 October 1993 and a curfew introduced in the city of Moscow. Extended until 18 October 1993.

Sources: Notifications of the Government of the Russian Federation to the United Nations Secretary-General dated 3 November 1992, 28 October and 23 December 1993; 22 April, 20 May, 21 June, 12 August, 4 and 21 October 1994 and 4 January 1995; letters from the Government dated 4 November and 21 December 1992 and 28 June, 11 August, 4 and 25 October and 29 December 1993, 31 May, 20 June and 15 November 1994; information received from non-governmental organizations and published in the press.

On 29 May 1994, a curfew was decreed in the Chechen Republic for one month. Martial law introduced in the Chechen Republic on 12 October 1994.

Sources: Information published in the press.

Rwanda: State of siege declared in October 1990.

The existence, since 6 April 1994, of "a situation of exceptional public danger threatening the existence of the nation in the meaning of article 4 of the International Covenant on Civil and Political Rights" was established by Decree No. 9/96 of 8 September 1996.

Normality has not yet been fully re-established after the intense internal armed conflict which has prevailed in the country.

Sources: Statement by the Minister of Justice of Rwanda of 17 January 1991; reports of the Special Rapporteur of the Commission on Human Rights, Mr. R. Deign-Segui, on the situation of human rights in Rwanda (E/CN.4/1995/7, 12, 70 and 71; E/CN.4/1996/7; E/CN.4/1997/61, chap. II); information received from non-governmental organizations and published in the press.

Sierra Leone: State of emergency declared on 2 November 1987. Renewed on 8 March 1988.

On 30 April 1992, a state of emergency was declared and a curfew imposed.

Normality has not yet been fully re-established after the intense internal armed conflict. On 25 May 1997, a curfew was introduced in the capital.

Sources: Information received from non-governmental organizations and published in the press.

Somalia: De facto state of emergency in areas affected by armed conflict.

Sources: Security Council resolution 814 (1993); information received from non-governmental organizations and published in the press.

Sri Lanka: State of emergency proclaimed on 18 May 1983. Terminated on 11 January 1989.

State of emergency declared on 20 June 1989. Terminated on 4 September 1994, except in the Northern and Eastern provinces and in certain other areas bordering those two provinces.

Sources: Notifications of the Government to the Secretary-General of the United Nations dated 21 and 23 May 1984, 13 January and 18 August 1989 and 29 September 1994; letter from the Government dated 11 April 1991; reports of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1992/18/Add.1, paras. 60-72 and 195; E/CN.4/1993/25/Add.1, paras. 16 and 146 (a); E/CN.4/1997/34, para. 327); information received from non-governmental organizations.

Sudan: States of emergency proclaimed on 6 April 1985, 25 July 1987 and 30 June 1989. Still in force.

Sources: Notifications of the Government to the United Nations Secretary-General dated 21 August 1991 and 13 February 1992; report of the Sudan submitted to the Human Rights Committee (CCPR/C/45/Add.3); report on the situation of human rights in the Sudan, prepared by Mr. G. Bíró, Special Rapporteur of the Commission on Human Rights (E/CN.4/1994/48, paras. 22-23, E/CN.4/1997/58, para. 50); information received from non-governmental organizations.

Syrian Arab Republic: State of emergency proclaimed on 8 March 1963. Still in force.

Sources: Information received from non-governmental organizations.

Tajikistan: In July 1989, a curfew was introduced in Isfara region.

On 12 February 1990, a state of emergency was declared in the capital, Dushanbe. Lifted on 29 June 1991.

On 23 September 1991, a state of emergency was introduced throughout the Republic. Lifted on 30 September 1991.

Sources: Notification of the Government of the USSR to the United Nations Secretary-General dated 23 March 1990; information received from non-governmental organizations and published in the press.

State of emergency proclaimed and a curfew introduced on 5 May 1992. Lifted on 7 May 1992.

In September 1992, a state of emergency was introduced in several districts and towns of Kurgan-Tyube and Kuliab provinces.

On 23 October 1992, a state of emergency and a curfew were decreed in the capital, Dushanbe.

On 7 January 1993, a state of emergency was again declared and a curfew imposed in Dushanbe for a period of one month.

Sources: Information published in the press.

In February 1993, a state of emergency was declared and a curfew imposed in the whole territory of the country. Extended in July 1994. Still in force.

Sources: Notification of the Government to the secretariat of the Conference on Security and Cooperation in Europe; information published in the press.

Turkey: Martial law, which was introduced on 26 December 1978 in 13 provinces, was proclaimed throughout the entire territory on 12 September 1980. As at 1 January 1985, it was in force in 34 provinces. By 19 July 1987 martial law was lifted throughout the country. In 1985-1987, in certain provinces, martial law was replaced by a state of emergency which is currently in force in 10 provinces in south-east Anatolia.

Sources: Letters from the Government dated 9 June 1987, 19 July 1988 and 15 February 1991; information received from non-governmental organizations.

Uganda: The existence of a de facto state of emergency has been reported, related particularly to the application of the Public Order and Security Act of 1967 and to the violence that is taking place in the northern part of the country.

Sources: Information received from a non-governmental organization.

United Kingdom of Great Britain and Northern Ireland: Since 1974, a public emergency exists relating to the affairs of Northern Ireland.

Sources: Notifications of the Government to the United Nations Secretary-General dated 23 December 1988 and 23 March 1989; communication from the Government received by the Secretary-General on 18 December 1989; reports to the Human Rights Committee (latest documents: CCPR/C/58/Add.6, paras. 57-60; CCPR/C/58/Add.12, para. 18).

Venezuela: Emergency measures and suspension of certain constitutional guarantees were decreed on 28 February 1989.

On 22 March 1989, all the constitutional safeguards were re-established.

On 4 February 1992, certain constitutional guarantees were suspended. On 13 February 1992, a partial restoration of previously suspended guarantees was decreed. By a decree dated 9 April 1992, the President of the Republic has restored all constitutional guarantees.

On 27 November 1992, suspension of certain constitutional guarantees was decreed. By decrees dated 1 and 22 December 1992 and 16 January 1993, all constitutional guarantees were restored.

From 16 to 25 January 1993, certain constitutional guarantees were again suspended in some parts of the national territory.

On 27 June 1994, certain constitutional guarantees were suspended in the whole territory of the country. The Government stated that this measure was motivated by the alarming financial and economic situation, which might endanger public security.

By decree dated 6 July 1995, the constitutional guarantees were restored throughout the national territory with the exception of some border autonomous municipalities.

Source: Notifications of the Government to the Secretary-General of the United Nations dated 13 and 31 March 1989; 4 and 21 February and 24 April 1992; 29 June 1994; and 18 July 1995; letters from the Government dated 3 and 18 April 1989, 7 December 1990, 11 February 1992, 1 April 1993, 3 and 7 June 1996.

Yemen: On 5 May 1994, a 30-day state of emergency was declared and a curfew imposed in the whole territory of the country.

Sources: Information published in the press. The Special Rapporteur has not yet received any information from the Government of Yemen in reply to his letter dated 16 May 1994.

Yugoslavia: On 28 March 1989, special measures involving suspension of freedoms of assembly and movement were introduced in the province of Kosovo. On 18 April 1990, all the emergency measures in the territory of the province were lifted.

Sources: Notifications of the Government to the United Nations Secretary-General dated 14 April 1989, 29 May 1989, 19 March 1990 and 24 April 1990.

On 18 October 1991, the "existence of an immediate threat of war" was established by the decision of the Presidency of the SFRY throughout the territory of the country.

Sources: Letters from the Government dated 18 and 21 February 1992.

Except for Slovenia, the other newly emerged States which made up the former Yugoslavia found themselves in a de facto state of emergency at the moment of their transition to independence.

Sources: Periodic reports on the situation of human rights in the territory of the former Yugoslavia submitted by the Special Rapporteurs of the Commission on Human Rights, Mr. T. Mazowiecki, (E/CN.4/1994/47), and Ms. E. Rehn (E/CN.4/1997/56, paras. 124-157); information published in the press.

Zambia: State of emergency introduced on 27 July 1964. Lifted in 1991.

State of emergency declared on 4 March 1993.

Sources: Report of the Human Rights Committee (A/51/40, para. 197); information received from a non-governmental organization and published in the press.

II. COUNTRIES OR TERRITORIES IN WHICH EMERGENCY REGIMES IN VARIOUS FORMS HAVE EXISTED BETWEEN 1 JANUARY 1985 AND MAY 1997

Angola: Until the signing of the Lusaka Peace Agreements in November 1994, the country was in a de facto state of emergency caused by intense armed conflict.

Sources: Security Council resolutions 804 and 811 (1993); information received from non-governmental organizations and published in the press.

Argentina: State of siege proclaimed on 25 October 1985 for 60 days. Terminated on 7 December 1985.

Sources: Letter from the Government dated 12 August 1987.

State of siege proclaimed on 29 May 1989 for 30 days. Lifted on 27 June 1989.

Sources: Notifications of the Government to the United Nations Secretary-General dated 7 June 1989 and 11 July 1989.

Armenia: On 15 January 1990, a state of emergency was introduced in the Gorissa region of the Armenian SSR.

Sources: Notification of the Government of the Soviet Union to the United Nations Secretary-General dated 16 January 1990.

On 29 August 1990, a state of emergency was declared and a curfew introduced throughout the Republic. Lifted on 16 August 1991.

On 16 December 1991, a state of emergency was declared and a curfew introduced in the Meghri region of Armenia for a period of three months.

On 19 June 1992, the state of emergency in the Meghri and Kapan regions of southern Armenia was reinstated for another three months.

Sources: Letter from the Government dated 10 July 1992; information received from a non-governmental organization and published in the press.

In February 1993, a state of emergency was introduced in Armavir district of Armenia for a period of one month.

Sources: Information published in the press.

Bangladesh: Martial law proclaimed on 24 March 1982. Terminated on 10 November 1986.

State of emergency declared on 27 November 1990. Lifted on 6 December 1990.

Sources: Letters from the Government dated 22 July 1987 and 1 April 1993.

Bolivia: State of emergency proclaimed on 18 September 1985. Terminated on 19 December 1985.

State of emergency proclaimed on 27 August 1986. Terminated on 27 November 1986.

State of emergency proclaimed on 15 November 1989. Terminated on 15 February 1990.

Sources: Notifications of the Government to the United Nations Secretary-General dated 27 September and 29 October 1985, 6 January, 28 August and 28 November 1986, 16 November and 8 December 1989 and 18 March 1990.

State of emergency decreed on 18 April 1995 in the whole territory of the country; subsequently extended until 15 October 1995. Terminated on 16 October 1995.

Sources: Notifications of the Government to the Secretary-General of the United Nations dated 19 April, 27 July and 12 December 1995; letter from the Government dated 5 May 1995.

Burkina Faso: Succession of emergency regimes and situations comparable to states of emergency since November 1980 and until June 1991.

Sources: Letters from the Government dated 30 April 1991 and 10 June 1993.

Cambodia: Serious armed conflict continued until the signing of the Paris Peace Agreements in October 1991.

Sources: Reports of the Special Representatives of the Secretary-General on the situation of human rights in Cambodia (E/CN.4/1994/73, paras. 6-79 and 135; E/CN.4/1995/87 and Add.1; E/CN.4/1996/93; E/CN.4/1997/85); resolutions of the Security Council and the General Assembly.

Cameroon: State of emergency proclaimed on 18 April 1984. Lifted on 19 December 1991.

Sources: Information received from non-governmental organizations.

A state of emergency was in force from 27 October to 29 December 1992 in the North-West province of the country.

Sources: Letter from the Government dated 29 December 1992; Report of the Human Rights Committee (A/49/40, para. 189).

Canada: State of emergency declared on 23 July 1989 throughout the province of Manitoba. Terminated on 4 August 1989.

Source: Letter from the Government dated 24 August 1989.

Central African Republic: Rebellions and disturbances that occurred in the course of 1996 gave rise to the introduction of curfews on several occasions.

Sources: Information received from non-governmental organizations and published in the press.

Chad: No state of emergency has been formally proclaimed since 1 January 1985. However, a decree dated 7 April 1988 restricted for one week the realization of some human rights and fundamental freedoms.

Sources: Letters from the Government dated 20 July 1988 and 5 February 1991.

Curfew imposed in N'Djamena on 9 August 1993. On 22 October 1993, a curfew was introduced in the whole territory of the country. Lifted on 23 October 1993.

Sources: Information published in the press.

Chile: Proclamation of state of siege (from 7 November 1984 to 17 June 1985 and from 8 September 1986 to 5 January 1987), state of emergency (from 24 March 1984 to 27 August 1988) and state of danger of disturbance of internal peace (from 11 March 1981 to 27 August 1988).

Sources: Notifications of the Government to the United Nations Secretary-General dated, inter alia, 17 June 1985, 22 September 1986, 20 January 1987 and 31 August 1988; letters from the Government dated 10 August 1989, 21 February 1991 and 28 April 1993.

China: Martial law imposed in Lhasa, Tibet, on 8 March 1989. Lifted on 1 May 1990.

Martial law imposed in Beijing on 20 May 1989. Lifted on 11 January 1990.

Sources: Letters from the Government dated 8 May and 15 August 1989. Letter dated 12 January 1990 from the Permanent Representative of China (reproduced in E/CN.4/1990/55); information received from non-governmental organizations and other information published in the press.

Congo: State of emergency was in force from 16 July to 15 August 1993. Curfews were imposed in the cities of Brazzaville and Pointe-Noire at the beginning of July 1993.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

Djibouti: On 16 November 1991, a curfew was introduced in the district of Obock.

Sources: Information published in the press.

El Salvador: Suspension of certain constitutional guarantees since 6 March 1980. Successive extensions of martial law in 1984-1985. Termination of state of emergency on 12 January 1987. Further suspension of constitutional guarantees on 12 November 1989 for 30 days, subsequently extended until mid-April 1990.

Sources: Notifications of the Government to the United Nations Secretary-General (latest dated 31 July 1985, 13 November 1989 and 5 January 1990); letters from the Government, latest dated 18 August 1989; information received from non-governmental organizations.

Equatorial Guinea: Until 1994, restrictions on the exercise of human rights comparable to a de facto state of emergency were reported.

Source: Report on the situation of human rights in Equatorial Guinea prepared by Mr. A. Artucio, Special Rapporteur of the Commission on Human Rights (E/CN.4/1994/56, paras. 89-95).

Eritrea: Admitted to the United Nations 28 May 1993, this new State found itself in a de facto state of emergency at the moment of its transition to independence.

Sources: Information published by the press.

Ethiopia: The existence of a de facto state of emergency for quite some time has been reported. From May 1988, state of emergency in force in the regions of Tigray and Eritrea. Terminated in May 1991.

In May 1991, a curfew was introduced in Addis Ababa. Lifted on 31 May 1992.

Sources: Statement by the observer for Ethiopia at the forty-fourth session of the Sub-Commission, on 19 August 1992; information received from non-governmental organizations and published in the press.

Fiji: State of public emergency proclaimed on 14 May 1987. Terminated on 5 December 1987.

Sources: Letters from the Government dated 6 November and 7 December 1989.

France: State of emergency proclaimed in New Caledonia and dependencies on 12 January 1985. Extended until 30 June 1985.

State of emergency proclaimed in Wallis and Futuna on 29 October 1986. Terminated on 30 October 1986.

Sources: Notification of the Government to the Secretary-General of the Council of Europe; letter from the Government dated 9 July 1987.

Gabon: State of siege introduced in the province of Port-Gentil. Curfew in force since May 1990. Terminated in August 1990.

Sources: Information received from a non-governmental organization and published in the press.

Gambia: State of emergency proclaimed on 2 August 1981. Terminated on 8 February 1985.

Sources: Information received from non-governmental organizations.

Guatemala: On 25 May 1993, the suspension of certain constitutional guarantees was decreed, which was enforced for several days.

Sources: Letter from the Government dated 30 June 1993; report on the situation of human rights in Guatemala, prepared by Ms. Monica Pinto, Independent Expert of the Commission on Human Rights (E/CN.4/1994/10, paras. 16-21); information published in the press.

Guyana: State of emergency declared on 28 November 1991.

Sources: Letter from the Government dated 24 March 1993.

Haiti: State of siege proclaimed on 29 January 1986. Terminated on 14 February 1986.

Sources: Letters from the Government dated 10 June 1987 and 16 March 1989.

State of siege introduced on 20 January 1990. Lifted on 30 January 1990.

Sources: Commission on Human Rights resolution 1990/56 of 7 March 1990; reports on human rights situation in Haiti prepared by Mr. P. Texier, Independent Expert (E/CN.4/1990/44/Add.1, paras. 1 and 20; E/CN.4/1991/33, paras. 3, 11 and 125).

In September 1991, a curfew was introduced in Port-au-Prince. In a letter dated 22 October 1991 addressed to the Government of Haiti, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

Not having received a reply from the authorities in the capital and possessing reliable information regarding the de facto state of emergency which existed in Haiti, the Special Rapporteur prepared a study on this issue (see chapter III of his sixth report, E/CN.4/Sub.2/1993/23/Rev.1).

After the return to Haiti, in October 1994, of its constitutional President, the de facto state of emergency in the country ceased to exist.

Honduras: State of emergency proclaimed on 8 April 1988. Terminated on 13 April 1988.

Sources: Information received from non-governmental organizations and published in the press.

India: Reports have been received by the Government concerning the measures taken in Kashmir, Punjab, areas in the north-east and in Andhra Pradesh, where certain constitutional guarantees were said to have been suspended under special laws which in effect established a continuing state of emergency.

On 7 December 1992, an indefinite curfew was imposed in parts of Old Delhi. Curfews were also ordered in some other large cities.

On 2 August 1993, a curfew was imposed in the town of Srinagar, Kashmir.

On 11 May 1995, a curfew was again introduced in Srinagar.

Sources: Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. B.W. Ndiaye (E/CN.4/1993/46, paras. 333-334); Report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34, paras. 178, 181, 187, 189); information received from non-governmental organizations and published in the press.

Ireland: A state of emergency was in force from 1 September 1976 until February 1995.

Sources: Letter from the Government dated 2 June 1995; report of Ireland to the Human Rights Committee (CCPR/C/68/Add.3, paras. 29-31); report of the Human Rights

Committee (A/48/40, paras. 561, 574, 582-583, 603 and 611); information received from a non-governmental organization.

Jordan: Martial law declared on 5 June 1967.

The Government's decision to repeal martial law was endorsed by royal decree of 30 March 1992.

Sources: Letter from the Government dated 12 July 1993; reports of Jordan to the Human Rights Committee (CCPR/C/1/Add.55 and 56, CCPR/C/46/Add.4 and CCPR/C/76/Add.1); reports of the Human Rights Committee (A/46/40, para. 578; A/49/40, para. 231); information received from non-governmental organizations.

Kazakstan: On 19 June 1989, a curfew was introduced in the town of Novy Uzen, Guriev district. Lifted on 24 July 1989.

Sources: Information published in the press.

Kenya: According to a non-governmental source, a long-term state of emergency has been in effect in the north-eastern part of the country until the beginning of 1992. Emergency-type detention law currently in force.

Kuwait: On 26 February 1991, martial law was declared for a three-month period. Subsequently extended until 26 June 1991.

Sources: Letter from the Government dated 14 September 1993; information received from non-governmental organizations and published in the press.

Lesotho: State of emergency declared on 25 February 1988. Reinstated on 2 May 1988. Lifted in early 1990.

Sources: Information received from a non-governmental organization and published in the press.

Madagascar: State of emergency declared on 23 July 1991 and subsequently extended. Curfew enforced in the capital.

Sources: Information published in the press.

Malawi: Emergency legislation in force since 1965 which expressly provides for preventive detention.

Sources: Information received from a non-governmental organization.

Malaysia: Four states of emergency proclaimed since independence were never revoked. The latest nationwide state of emergency was declared on 15 May 1969. Emergency legislation currently in force which expressly provides for preventive detention.

Sources: Information received from non-governmental organizations.

Mauritania: A curfew was introduced in rural areas of the south. A de facto state of emergency has been reported to exist in the Senegal river valley. In October 1992, a curfew was enforced in the capital.

Sources: Information published in the press and received from non-governmental organizations.

Moldova: From 26 October to 6 December 1990, a state of emergency was in force in several southern districts.

On 16 March 1992, a "special situation" regime was introduced on the left bank of Dnestr river. Lifted in September 1992. Curfew still in force. The "special situation" regime was again introduced in this area from 19 January to 1 March 1994.

On 28 March 1992, a state of emergency was decreed in the whole territory of the Republic. Lifted on 19 August 1992.

Sources: Letter from the Government dated 25 June 1992, received in reply to the Special Rapporteur's request for information of 19 May 1992; information received from non-governmental organizations and published in the press.

Mozambique: Until October 1992 a situation of intense internal armed conflict prevailed in the country.

Sources: Security Council resolutions; information received from NGOs and published in the press.

Namibia: Until its transition to independence, a de facto state of emergency existed in the territory under the occupation of South Africa.

Sources: Reports of the Special Committee against Apartheid, the United Nations Council for Namibia and the Ad Hoc Working Group of Experts on southern Africa; information received from non-governmental organizations.

Nicaragua: State of emergency was in force, with brief interruptions, from 15 March 1982 to 19 January 1988, and from 20 October to 15 November 1988.

From 18 May to 17 June 1993, a partial suspension of certain constitutional rights and guarantees was decreed in some parts of the country.

Sources: Notifications of the Government to the Secretary-General of the United Nations, latest dated 4 February, 21 October and 16 November 1988 and 19 May and 11 August 1993.

Niger: A state of emergency has been in force in the north of the country since 1992.

Sources: Information received from a non-governmental organization.

State of emergency proclaimed on 27 January 1996. Lifted in May 1996.

Sources: Information received from a non-governmental organization and published in the press.

Pakistan: Martial law was in force from 5 July 1977 to 30 December 1985.

State of emergency proclaimed on 17 August 1988. Terminated on 1 December 1988.

Sources: Letters from the Government, latest dated 24 October and 5 December 1989.

Panama: State of emergency proclaimed on 10 June 1987. Terminated on 29 June 1987.

Sources: Notifications of the Government to the Secretary-General of the United Nations dated 11 and 30 June 1987.

Papua New Guinea: State of emergency proclaimed on 17 June 1985. Terminated on 21 October 1985.

State of emergency declared on 26 June 1989. On 12 January 1990 extended for a further two months.

Sources: Information received from non-governmental organizations.

Paraguay: State of siege, which had been in force since 1954, was terminated on 9 April 1987.

Sources: Letters from the Government, latest dated 27 April 1987 (reproduced in document E/CN.4/Sub.2/1987/18).

Philippines: De facto states of emergency lasting only a few days were imposed in February 1986 during the revolution and at the time of the attempted coup d'état of 28 August 1987.

State of national emergency proclaimed on 6 December 1989. Ended on 7 June 1990.

Sources: Letters from the Government dated 10 December 1987, 2 April 1991 and 21 September 1992.

Senegal: State of emergency was proclaimed from 29 February to 20 May 1988 and from 28 April to 19 May 1989.

Sources: Letters from the Government dated 20 September 1988, 15 January 1990 and 17 March 1993.

Singapore: Emergency legislation currently in force which expressly provides for preventive detention.

Sources: Letter from the Government dated 18 August 1989; information received from non-governmental organizations.

South Africa: State of emergency in 36 magisterial districts was proclaimed on 21 July 1985. A country-wide state of emergency has existed since 12 June 1986. Successive proclamations or extensions of states of emergency as well as lifting of some emergency regulations took place in 1987, 1988, 1989 and 1990.

On 7 June 1990, the state of emergency was lifted in all areas of the country, except Natal. The lifting of the state of emergency in Natal province was announced on 18 October 1990.

Sources: Letters from the Government dated 1 September 1988 and 6 July 1989 (cf. E/CN.4/Sub.2/1989/45); information submitted by the Special Committee against Apartheid; information received from non-governmental organizations.

On 28 October 1991, a state of emergency was imposed throughout the Ciskei.

Sources: Report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1992/8, paras. 167 and 168).

In its 1994 report, the Ad Hoc Working Group of Experts stated that in 1993, a large number of magisterial districts had been declared "unrest areas", thus creating a situation analogous to that under the declaration of an emergency (E/CN.4/1994/15, paras. 44 and 136).

On 31 March 1994, a state of emergency was introduced in Natal province. Lifted on 7 September 1994.

Sources: Letter from the Government dated 13 September 1994; information published in the press.

Suriname: State of emergency was in force from August 1980 to 25 February 1986. On 1 December 1986, state of emergency was proclaimed in the eastern part of the country. Terminated on 1 September 1989.

Sources: Letters from the Government dated 5 December 1986 (reproduced in A/41/958), 13 March and 24 June 1991; information received from non-governmental organizations.

Tanzania: Curfew introduced in the province of Karawe. Lifted in 1996.

Sources: Information received from non-governmental organizations.

Thailand: Martial law introduced on 23 February 1991. Lifted on 3 May 1991.

On 18 May 1992, a state of emergency was introduced in Bangkok and surrounding provinces. Lifted on 26 May 1992.

Sources: Statement by the observer for Thailand at the forty-third session of the Sub-Commission, on 22 August 1991; letter from the Government dated 22 July 1992, received in reply to the Special Rapporteur's request for information of 19 May 1992; information published in the press.

Togo: In April and in November 1991, curfews were introduced in Lomé, capital of the republic.

Sources: Report of the Human Rights Committee (A/49/40, para. 253); information published in the press.

Trinidad and Tobago: A state of emergency was proclaimed on 28 July 1990 for a period of 90 days and subsequently extended. Remained in force until 9 December 1990.

Sources: Notification of the Government to the Secretary-General of the United Nations dated 15 August 1990; letter from the Government dated 12 March 1993.

United States of America: States of emergency proclaimed and curfews imposed in Los Angeles, San Francisco, Las Vegas, Atlanta and some other places for short periods at the end of April-beginning of May 1992.

Sources: Letter from the Government dated 1 June 1992, received in reply to the Special Rapporteur's request for information of 18 May 1992; information published in the press.

Uzbekistan: On 4 June 1989, a curfew was introduced in several townships of Fergana district.

Sources: Information received from a non-governmental organization and published in the press.

Zimbabwe: State of emergency, which had been in force since November 1965, was lifted on 25 July 1990.

Sources: Letters from the Government dated 23 March and 12 July 1988; information received from non-governmental organizations.

The Special Rapporteur is aware of the possibility that the existence of a state of emergency in other countries might not have come to his knowledge and trusts that the cooperation of States and intergovernmental and non-governmental organizations in the procedure being applied will soon enable him to give a full account of the situation worldwide.

Annex

LIST OF COMMUNICATIONS RECEIVED

A. Governments

Algeria	23 March 1997
Peru	28 February 1997

B. Non-governmental organizations

Amnesty International	February, March and April 1997